



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

} CASE NO. 11-2090M

v.

Jose Antonio Perez-Esparza,

Defendant.

} ORDER OF DETENTION

I.

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.
2. () an offense with maximum sentence of life imprisonment or death.
3. () a narcotics or controlled substance offense with maximum sentence of ten or more years .
4. () any felony - where the defendant has been convicted of two or more prior offenses described above.
5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B. () On motion by the Government / () on Court's own motion, in a case

1 allegedly involving:

2 () On the further allegation by the Government of:

3 1. () a serious risk that the defendant will flee.

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice.

6 b. () threaten, injure, or intimidate a prospective witness or juror or
7 attempt to do so.

8 C. The Government (✓) is/ () is not entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.

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II.

13 A. (✓) The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. (✓) the appearance of the defendant as required.

16 (✓) and/or

17 2. (✓) the safety of any person or the community.

18 B. (✓) The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

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III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the
3 arguments and/or statements of counsel, and the Pretrial Services
4 Report/recommendation.

5 V.

6 The Court bases the foregoing finding(s) on the following:

7 A. () As to flight risk: Defendant provided no background information,
8 and appears to be of questionable immigration. Defendant's criminal
9 history includes prior bench warrants.

10 B. () As to danger: The instant allegations are concerning.

11 VI.

12 A. () The Court finds that a serious risk exists that the defendant will:

13 1. () obstruct or attempt to obstruct justice.

14 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

15 B. The Court bases the foregoing finding(s) on the following: _____

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25 VII.

26 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

27 B. IT IS FURTHER ORDERED that the defendant be committed to the

1 custody of the Attorney General for confinement in a corrections facility
2 separate, to the extent practicable, from persons awaiting or serving
3 sentences or being held in custody pending appeal.

4 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
5 opportunity for private consultation with counsel.
6 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
7 or on request of any attorney for the Government, the person in charge of
8 the corrections facility in which the defendant is confined deliver the
9 defendant to a United States marshal for the purpose of an appearance in
10 connection with a court proceeding.

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12 DATED: September 9, 2011

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14 HONORABLE JAY C. GANDHI
15 UNITED STATES MAGISTRATE JUDGE

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